

EXHIBIT 1

The Salt Lake Tribune

Rape victim says she was sixth to report Utah State student, sues school for not acting

Complaint • Woman says she felt betrayed when she learned that school knew of earlier assaults.



By Alex Stuckey The Salt Lake Tribune

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Almost a year before Victoria Hewlett was raped by fellow Utah State University student Jason Relopez, school officials were discussing an earlier sexual assault allegation made against him,

according to court documents.

A lawsuit filed Monday claims five other women reported to school officials that they were sexually assaulted by Relopez, then a member of the Sigma Chi fraternity, before Hewlett went to police.

But Relopez remained on campus until his arrest after Hewlett's rape in July 2015. The school then suspended him.

When Hewlett learned that USU knew at the time of her attack that Relopez was a potential danger, she felt betrayed, she told The Salt Lake Tribune. The lack of response, she said, showed that her "well-being as a student on campus" wasn't important.

Federal campus-safety guidelines state that if a school becomes aware of possible sexual violence, it must determine whether there is a continuing threat to the safety of campus and take immediate steps to address the situation.

Hewlett now is suing USU for not taking action and because, she said, university officials never offered her support services as required by federal law.

She's also suing the local chapter of Sigma Chi — Gamma Kappa — alleging that it was aware Relopez was a threat and did nothing about it. The national Sigma Chi corporation and the Gamma Kappa Alumni Foundation, which maintain control over the chapter's members and operations also are being sued.

The national Sigma Chi group declined to comment Monday because it is active litigation. Tim Vitale, Utah State spokesman, said "it would be inappropriate to comment about the allegations" because it has not been served a copy of the lawsuit. Gamma Kappa did not respond for comment Monday.

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USU recently did an investigation into its handling of a set of sexual assault allegations made in 2015 against another student, Torrey Green, who last month was charged with six felonies in five attacks from 2013-2015. In the wake of that case, the school has made several changes to its confidentiality and amnesty policies, as well as orchestrated a campus education campaign about consent, among other things.

The Tribune generally does not name sexual assault victims, but Hewlett agreed to be identified.

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'Why don't they care?' • In July 2015, Hewlett reported to police — and Kevin Webb, USU's Greek adviser — that Relopez raped her multiple times after a night of drinking at the Sigma Chi house that month.

Relopez, 28, eventually pleaded guilty to attempted rape and attempted forcible sex abuse. As part of his plea deal, he was made to admit to raping Hewlett and another female USU student — referred to in documents as M.K. — who had reported him to the school in 2014, court documents state. In May, he was sentenced to a year in jail.

Documents state that USU officials spoke with Relopez in November 2014 about M.K.'s report, which was made to the school's Sexual Assault and Anti-Violence Information (SAAVI) office.

M.K. was the fifth woman to report being sexually assaulted by Relopez to SAAVI, according to court documents.

Jenny Erazo, SAAVI coordinator, informed Webb in November 2014 that M.K., who was in a sorority, would not be attending the upcoming Greek Leadership Weekend because she had been raped.

Webb also was informed of the rape by a member of M.K.'s sorority, who said Relopez "had been verbally, emotionally and physically abusive towards other women" in the sorority, documents state.

Webb passed the sorority member's email along to Eric Olsen, the university's associate vice president for student affairs, and documents statto Krystin Deschamps, the university's student conduct coordinator. All three are being sued by Hewlett.

When Olsen, Deschamps and Webb met with Relopez on Nov. 7, 2014, about M.K.'s rape complaint, they informed him he was "on USU's radar" and that he would be expelled if they learned the allegations were true, according to the documents.

The lawsuit alleges USU officials did not take further action to investigate the multiple allegations against Relopez.



Under Title IX — a federal law that prohibits sex-based discrimination in education — school officials must "take immediate and appropriate steps" to investigate and address potential sexual violence.

Schools are also required to protect victims and eliminate the "hostile environment" created in the aftermath of an attack. A student who may have been the victim of a sexual assault is entitled to immediate services, such as housing changes and class adjustments or more lenient deadlines.

Hewlett told The Tribune she didn't know about Title IX's protections when the assault occurred. She said she was not offered services or informed about the campus disciplinary process.

She was not provided services "required under Title IX to allow her to continue her education at Utah State and to help her overcome the emotional trauma she experienced due to the rape," the documents state.

She never returned to the Logan campus and now is studying social work at Utah Valley University.

"I think, in the beginning, my feelings were hurt. I was like, 'why don't they care?' " Hewlett told The Tribune. "Then I realized it was their obligation" to do something.

Hewlett was 19 and had been drinking when Relopez raped her last year. The lawsuit alleges that USU has "substantial control" over the Greek community and knew that underage drinking was happening at fraternity houses, particularly after receiving in 2015 a sexual assault complaint against Ryan Wray, then-president of Pi Kappa Alpha, which is around the corner from Sigma Chi in Logan. Wray pleaded guilty to attempted forcible sex abuse and was sentenced last year to six months in jail.

USU failed to appropriately respond to the Wray complaint, the documents state.

Last year, both Sigma Chi and Pi Kappa Alpha were sanctioned by the student-run Greek Council amid the sexual assault cases against Relopez and Wray.

Hewlett is suing USU for violating Title IX and breach of contract related to the student code, which "contains the promise that defendant Utah State will properly and appropriately respond to

reports of sexual assault, violence and harassment in order to ensure the safety of all students."

She's suing Webb, Olsen and Deschamps for violating her civil right to bodily integrity and to be free from sexual harassment.

'No one wants to speak out' • Hewlett's lawsuit also alleges Sigma Chi was aware that Relopez raped M.K. in 2014 and had been abusive toward other women.

"It was well known within the Sigma Chi fraternity that Relopez, though charismatic at times, was hot tempered, sexually aggressive and a threat to women," documents state.

In fall 2014, for example, M.K.'s friend informed the fraternity house's risk manager about her rape, but documents state Relopez was allowed to continuing living in the house.

Relopez was later elected risk manager for the fraternity, documents state, a position he held when he raped Hewlett almost a year later.

On the July 2015 night Hewlett was raped, documents state Hewlett went into Relopez's bedroom to find her cellphone. According to documents, he locked the bedroom door and became aggressive: slapping, choking and raping her.

At one point, Hewlett's friend — identified as O.S. in documents — pounded on the bedroom door to get Hewlett out. No one responded, so she asked several partygoers — and ultimately the fraternity's house manager — to open the door, documents claim.

The house manager refused to open the door, documents state, even though he had "knowledge that Relopez had sexually violent tendencies towards women."

The house manager said "Relopez had rented the room, so no one could ever enter without his permission," documents state.

Hewlett told The Tribune there is a "huge problem" with sexual assaults at fraternities that continue to be perpetuated "because no one wants to speak out and no one wants to be the person that gets a frat in trouble or stops a party from happening."

The lawsuit also alleges that the fraternity has to plan lawful events and "provide reasonably safe premises for such events" and if they had done so, Hewlett would not have been raped.

Sigma Chi did not check identification before allowing partygoers to consume alcohol, documents state, and underage guests "were invited to listen to music and illegally consume alcohol and drugs, including cocaine, in various bedrooms throughout the night," according to documents.

Hewlett is suing the fraternity defendants for negligence, premises liability and negligent infliction of emotional distress. She's suing the national Sigma Chi corporation and the Gamma Kappa Alumni Foundation for vicarious liability.

Hewlett is demanding a jury trial, where economic and non-economic damages will be determined. She's also suing for punitive damages.

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